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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To halt removal of certain nationals of Vietnam, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LOWENTHAL introduced the following bill; which was referred to the
Committee on _____

A BILL

To halt removal of certain nationals of Vietnam, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honor Our Commit-
5 ment Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) From April to September 1975, the United
9 States conducted Operation New Arrival to relocate

1 130,000 Vietnamese refugees to the United States
2 following the end of the Vietnam War. During this
3 time, more than 50,000 Vietnamese refugees were
4 processed through Camp Pendleton for resettlement
5 in southern California.

6 (2) In the 4 decades since they fled Vietnam as
7 refugees, Vietnamese Americans have woven their
8 stories into the American fabric.

9 (3) The largest concentrations of Vietnamese
10 Americans can be found in Orange County, Cali-
11 fornia, followed by San Jose (California), Houston
12 (Texas), Seattle (Washington), Northern Virginia,
13 and New Orleans (Louisiana).

14 (4) According to the American Community Sur-
15 vey, 1.4 million Americans speak Vietnamese at
16 home, the fourth-most-common language other than
17 English.

18 (5) Immigrants may find it difficult to assimi-
19 late into their new communities as a result of the
20 trauma of war. A 2018 study published by Rashmi
21 Gangamma and Daran Shipman in the Journal of
22 Marital and Family Therapy noted that “the trau-
23 matic nature of (an immigrant’s) forced displace-
24 ment flight, and resettlement can increase vulner-
25 ability to mental distress.” First generation immi-

1 grant children are especially vulnerable to gang vio-
2 lence when their parents find it difficult to navigate
3 their new communities culturally and politically.

4 (6) In 2008, the United States and Vietnam
5 signed a bilateral repatriation agreement, hereinafter
6 known as the 2008 Vietnam-U.S. Memorandum of
7 Understanding (MOU).

8 (7) According to Section 2, Article 2 of the
9 2008 Vietnam-U.S. MOU, “Vietnamese citizens are
10 not subject to return to Vietnam under this Agree-
11 ment if they arrived in the United States before July
12 12, 1995, the date on which diplomatic relations
13 were re-established between the U.S. Government
14 and the Vietnamese Government. The U.S. Govern-
15 ment and the Vietnamese Government maintain
16 their respective legal positions relative to Vietnamese
17 citizens who departed Vietnam for the United States
18 prior to that date.”.

19 (8) Under President George Bush and Presi-
20 dent Barack Obama, the United States recognized
21 the 2008 Vietnam-U.S. MOU’s protections and re-
22 frained from deporting pre-1995 Vietnamese refu-
23 gees.

24 (9) In November 2020, President Donald
25 Trump’s Administration signed a new agreement

1 with Vietnam which allows for the deportation of Vi-
2 etnamese refugees who arrived in the United States
3 prior to July 12, 1995. This includes lawful perma-
4 nent residents who have committed certain minor
5 crimes and others who came to the United States as
6 children after the Vietnam War.

7 **SEC. 3. LIMITATION ON THE DETENTION AND REMOVAL OF**
8 **NATIONALS OF VIETNAM.**

9 (a) **LIMITATION ON DETENTION AND REMOVAL.**—
10 Except as provided in subsection (b), an alien may not
11 be detained or removed from the United States on or after
12 the date of enactment of this Act if the alien—

13 (1) is a national of Vietnam;

14 (2) entered the United States on or before July
15 12, 1995 and has continuously resided in the United
16 States since such entry; and

17 (3) is subject to a final order of removal.

18 (b) **EXCEPTION.**—Subsection (a) shall not apply to
19 an alien if—

20 (1) the Secretary of Homeland Security deter-
21 mines, based on credible facts, that the alien is di-
22 rectly responsible for harming the security of the
23 United States; or

24 (2) the alien is subject to extradition.

1 (c) EMPLOYMENT AUTHORIZATION.—The Secretary
2 of Homeland Security shall authorize an alien described
3 in subsection (a) to engage in employment in the United
4 States and provide such alien with an “employment au-
5 thorized” endorsement or other appropriate work permit.

6 **SEC. 4. NOTICE FOR CERTAIN VIETNAMESE NATIONALS**
7 **WITH REMOVAL ORDERS.**

8 (a) IN GENERAL.—Not later than 60 days after the
9 date of enactment of this Act, the Secretary of Homeland
10 Security shall provide notice of the provisions of this Act
11 to each alien described in section 3(a).

12 (b) CONTENTS OF NOTICE.—The notice described in
13 subsection (a) shall include information explaining the re-
14 quirements and instructions for filing a motion to reopen
15 removal proceedings under section 240(c)(7) of the Immi-
16 gration and Nationality Act (8 U.S.C. 1229a(c)(7)).

17 **SEC. 5. JUDICIAL REVIEW.**

18 (a) REVIEW.—Notwithstanding any other provision
19 of law, an individual or entity who has been harmed by
20 a violation of this Act may file an action in an appropriate
21 district court of the United States to seek declaratory or
22 injunctive relief.

23 (b) RULE OF CONSTRUCTION.—Nothing in this Act
24 may be construed to preclude an action filed pursuant to
25 subsection (a) from proceeding as a class action (as such

- 1 term is defined in section 1711 of title 28, United States
- 2 Code).